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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

**Allyessa Tefft**, individually and as the  
natural parent of **B.M.T.**, a minor,

Plaintiffs,

vs.

**State Farm Mutual Automobile  
Insurance Company;** Does 1  
through 10, inclusive and Roe  
Corporations 1 through 10, inclusive,  
  
Defendants.

Case No.: 2:23-cv-00520-JAD-DJA

**Stipulated Discovery Plan and  
Scheduling Order Submitted in  
Compliance with LR 26-1(b)**

**Special Scheduling Review  
Requested**

Pursuant to Federal Rule of Civil Procedure 26(f) and Local Rule 26-1(b), Plaintiff, Allyessa Tefft, and Defendant, State Farm Mutual Automobile Insurance Company, by and through their undersigned counsel, hereby submit this proposed Discovery Plan and Scheduling Order. Deadlines that fall on a Saturday, Sunday, or legal holiday have been scheduled for the preceding or next judicial day.

The Complaint in this matter was filed in the Eighth Judicial District Court, Clark County, Nevada, designated as Case No.: A-23-863489-C on January 5, 2023. Defendant was properly served on March 9, 2023. On April 7, 2023, Defendant filed a Petition for Removal [ECF Doc 1]. On April 14, 2023,



1 Defendant filed its Answer to Complaint [ECF Doc. 7]. On April 25, 2023,  
2 Defendant filed its Statement Regarding Removed Action [ECF Doc. 9]. On May  
3 8, 2023, Plaintiff filed her Motion for Remand [ECF No. 10]. On May 10, 2023,  
4 the parties filed their Joint Status Report [ECF Doc 11].

5 1. **Meeting:** Counsel for the parties met and conferred as required by Fed.  
6 R. Civ. P. 26(f) on May 16, 2023, and discussed the following:

7 2. **Initial Disclosures:** Pursuant to FRCP Rule 26(a)(1), the parties are  
8 required to make their initial disclosures on or before May 30, 2023.

9 3. **Areas of Discovery:** The Parties agree that each party may conduct  
10 discovery as allowed under the Federal Rules of Civil Procedure.

11 4. **Discovery Cut-off Dates:** LR-26(1)(E)(1) provides that “unless otherwise  
12 ordered, discovery periods longer than one hundred eighty (180) days from  
13 the date the first defendant answers or appears will require special scheduling  
14 review.”

15 a. **Discovery Cut-Off Date:** Given the complexity of the claims  
16 asserted, the injuries claimed by the Plaintiff, the number of  
17 documents likely to be produced, and the need for experts  
18 who will need to perform a detailed review of said documents,  
19 the parties respectfully request a 270-day discovery period,  
20 from April 14, 2023, the day of Defendant filed its first  
21 responsive filing. The stipulated discovery cut-off date is  
22 therefore January 9, 2024.

23 b. **Amending the Pleadings and Adding Parties:** The last date  
24 for filing motions to amend the pleading or to add parties shall  
25 not be later than 90 days prior to the close of discovery. In this  
26 action, the last date for filing motions to amend the pleadings  
27 or add parties shall be October 11, 2023.  
28



- c. **FRCP 26(A)(2) Disclosures (Experts)**: The last date for disclosure of expert witnesses shall be 60 days before the discovery cut-off date. In this action, the last date for disclosure of experts shall be November 10, 2023. Rebuttal experts shall be disclosed on or before December 11, 2023.
- d. **Dispositive Motions**: The last date for filing dispositive motions shall not be later than 30 days after the discovery cut-off date. In this action, the last date for filing dispositive motions will be February 8, 2024.
- e. **Pretrial Order**: The joint pretrial order shall be filed no later than 30 days after the date set for filing dispositive motions. In this action, the joint pretrial order shall be filed on or before March 11, 2024. In the event that dispositive motions are filed, the joint pretrial order shall be filed no later than 30 days after the order(s) on the dispositive motions are entered.
- f. **Court Conferences**: If the Court has questions regarding the dates proposed by the parties, the parties request a conference with the Court before entry of the Scheduling Order. If the Court does not have questions, the parties do not request a conference with the Court.
- g. **Extensions or Modifications of the Discovery Plan and Scheduling Order**: LR <sup>26-3</sup>~~26-4~~ governs the modifications or extensions of this Discovery Plan and Scheduling Order. Any stipulation or motion must be made no later than 21 days before the discovery deadline sought to be extended.
- h. **FRCP 26(a)(3) Disclosures**: The disclosures required by FRCP 26(a)(3) and any objections thereto shall be included in the pretrial order.



- i. **Alternative Dispute Resolution:** The Parties hereby certify that they met and conferred about the possibility of using alternative dispute-resolution processes including mediation and arbitration.
- j. **Alternative Forms of Case Disposition:** The Parties hereby certify that they considered consent to trial by a magistrate judge under 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73, use of the Short Trial Program (General Order 2013-01).
- k. **Format of Discovery:** Pursuant to the electronic discovery amendments to the Federal Rules of Civil Procedure effective December 1, 2006, the parties addressed the e-discovery issues pertaining to the format of discovery at the Rule 26(f) conference. The parties do not anticipate discovery of native files or metadata at this time, but each party reserves the right to make a showing for the need of such electronic data as discovery progresses. In addition and in order to save the costs of printing and mailing documents, the parties agree to exchange discovery documents, including but not limited to FRCP 26 disclosures, discovery requests, responses, document production, and expert disclosures, via electronic mail. If a discovery document is too large to send via email, the parties may send such documents via a file-sharing service (DropBox, OneDrive etc.) or on a CD/DVD/thumbdrive via US Mail.
- l. **FRCP 26-1(b)(9) – Presentation of Electronic Evidence for Jurors:** Pursuant to Local Rule 26-1, the parties discussed whether they intend to present evidence in electronic format to jurors for the purposes of jury deliberation. As the electronic presentation of evidence for jurors is likely at this time, the



parties will coordinate with the courtroom administrator for instructions about how to prepare evidence in an electronic format and other requirements for the Court's electronic jury evidence display system and, if possible, provide discovery in an electronic format compatible with the Court's electronic jury evidence display system.

Dated this 22nd day of May, 2023.

LEWIS BRISBOIS BISGAARD & SMITH

*/s/ Frank Toddre*

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Dated this 22nd day of May, 2023.

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### **ORDER**

IT IS SO ORDERED.

  
UNITED STATES MAGISTRATE JUDGE

DATED: May 23, 2023